

App. No. 09/712,237

Art Unit 3763

P-7322.04

REMARKS

Claims 30 and 31 have been amended. Claims 32 and 33 have been added. Claims 24-33 remain pending in the application. The applicant hereby requests further examination and reconsideration of the application in view of the foregoing amendments and following response.

Claim Objections

Claims 30-31 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot be dependent on a multiple dependent claim. Claims 30 and 31 have been amended to change their multiple dependencies to claims 24 to 28. Since claims 24 to 28 are not multiple dependent claims, the applicant believes that claims 30-31 as currently amended overcome the objection and respectfully requests the examiner to withdraw the objection.

Claim Rejections – 35 USC § 102

Claims 24-28 stand rejected under 35 U.S.C. 102(b) as being anticipated by Bron (U.S. Patent No. 4,428,397). The applicant respectfully traverses these rejections.

Claim 24 recites "wherein flow thorough the hole causes the membrane to deflect and engage against at least one portion of the bottom layer *thereby impeding the fluid pathway.*"(emphasis added) The applicant's claimed fluid pathway 25 (FIG. 4) is not the outlet 32. Although Bron teaches a membrane that deflects and engages at least a portion of the bottom layer, the applicant respectfully submits that Bron does not teach the limitation of impeding the claimed fluid pathway. As shown in FIG. 1, Bron teaches a membrane that deflects to impede an outlet 18 not the hole 20. Further, the applicant submits that Bron's membrane 6 (FIG. 1) is not functionally capable of performing the claimed limitations. The applicant's membrane operates to regulate flow through the claimed fluid pathway either directly or through a channel; whereas, Bron teaches a membrane to regulate flow through an outlet and not the fluid pathway. Additionally, the applicant submits that Bron's channel 16 (FIG. 1) does not teach the applicant's channel as claimed (claims 25-28). Bron's teaches an outlet opening 18 rather than the claimed channel. Accordingly, the applicant submits that

App. No. 09/712,237

Art Unit 3763

P-7322.04

claim 24, and claims 25-28 dependent thereon, is not anticipated by Bron and respectfully requests the examiner to withdraw the rejection.

Claims 24-28 stand rejected under 35 U.S.C. 102(b) as being anticipated by Societe Anonyme Andre Citroen (French Patent No. 1,299,719). The applicant respectfully traverses these rejections.

Claim 24 recites "wherein flow thorough the hole causes the membrane to deflect and engage against at least one portion of the bottom layer *thereby impeding the fluid pathway.*"(emphasis added) The applicant's claimed fluid pathway 25 (FIG. 4) is not the outlet 32. Although Societe Anonyme Andre Citroen teaches a membrane that deflects and engages at least a portion of the bottom layer, the applicant respectfully submits that Societe Anonyme Andre Citroen does not teach the limitation of impeding the fluid pathway. As shown in FIG. 1, Societe Anonyme Andre Citroen teaches a membrane 4 that deflects to impede an outlet 8 not the hole 5. Accordingly, the applicant submits that claim 24, and claims 25-28 dependent thereon, is not anticipated by Societe Anonyme Andre Citroen and respectfully requests the examiner to withdraw the rejection.

Allowable Subject Matter

Claim 29 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 32 (new) is claim 29 rewritten in independent form including all of the limitations of the based claim and any intervening claims, i.e., claims 24, 25, 26, and 27. Claim 33 (new) is claim 29 rewritten in independent form including all of the limitations of the based claim and any intervening claims, i.e., claims 24, 25, 26, and 28. Accordingly, the applicant believes that new claims 32 and 33 are in condition for allowance.

In view of the above, it is submitted that all claims pending in the application are in condition for allowance. Accordingly, allowance of claims 24-33 is respectfully requested. Recognizing that Internet communications are not secure, I hereby authorize the USPTO to communicate with me concerning any subject matter of this application by electronic mail at

App. No. 09/712,237

Art Unit 3763

P-7322.04

the address below. I understand that a copy of these communications will be made of record in the application file. M.P.E.P. § 502.03.

Respectfully submitted,

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